

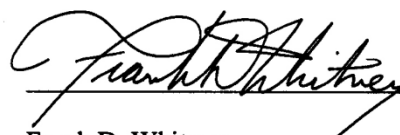
excess of one year and qualify as felonies under Simmons. Therefore, Simmons provides the Defendant no relief.

As to Dorsey, however, the Defendant does receive the benefit of the retroactive application of the Fair Sentencing Act because, although his crime of conviction – conspiracy to distribute cocaine base – occurred before the effective date of the Fair Sentencing Act on August 3, 2010, he was sentenced after that date on May 17, 2011. Accordingly, his sentence should be and will be reduced pursuant to Dorsey as set forth in the Supplement to the Presentence Report (Doc. No. 72).

THEREFORE, the sentence of Defendant CHARLES R. BURNS is hereby reduced from 168 months to 120 months.

The Clerk of Court will certify a copy of this Order to the United States Marshals' Service and the United States Bureau of Prisons.

Signed: December 28, 2012



Frank D. Whitney
United States District Judge

